

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 83 of 2018**

1. Ashutosh Kumar Tiwari S/o Mandhir Prasad Tiwari Aged About 33 Years R/o C-181 Rama Lifecity Sakri P.S. Sakari District Bilaspur Chhattisgarh.
2. Prabhakar Tiwari, S/o Vanshroop Tiwari, aged about 44 years.
3. Smt. Saraswati Tiwari W/o Prabhakar Tiwari, aged about 38 years, R/o C-181 Rame Life City, Sakari, Bilaspur (CG).
4. Mandhir Prasad Tiwari S/o late Sampat Tiwari, aged about 62 years, R/o village Chaal, Tehsil Dharamjaigarh, District Raigarh (CG).

-----Applicants**Versus**

State of Chhattisgarh Through the Station House Officer, Police Station Chakarbhata, District Bilaspur (CG).

---- Respondent

For Applicants	:	Shri Prateek Sharma, Advocate.
For Respondent	:	Shri Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****28/03/2018**

1. The applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No.552 of 2017 registered at Police Station Chakarbhata, Distt. Bilaspur, for the offence punishable under Section 498-A IPC.
2. The applicant No.1 is the Husband of complainant, applicants No.2&3 are brother in law and sister in law respectively and the applicant No.4 is the father in law of the complainant.
3. The allegations as per prosecution is that, all the applicants together is said to have subjected the complaint ill treatment, cruelty and harassment on account of demand of dowry and due to which she was forced to leave the matrimonial home and to take shelter at her parental home at Jabalpur, where she has initially lodged a complaint which subsequently stood transferred to Bilaspur.

4. The contention of the applicants is that it is a case where after marriage the complainant and the applicant stayed together only for four days and thereafter due to some discord between the two, the complainant left the matrimonial home and had gone to parental home at Jabalpur. He further submits that all other correspondences which the applicant had with the complainant was from Jabalpur. There was no occasion for subjecting the complainant cruelty, ill treatment and harassment as she resided in the matrimonial home only for four days. He further submits that the applicants No.1,2 and 4 are government employees. Further submission is that, though written complaint was lodged by the complainant, no conciliation whatsoever was held. Even after the FIR was lodged against the applicants when the authorities at Bilaspur initiated conciliation proceeding, the complainant is said to have refused to come for conciliation. Thus, for aforesaid reasons, the applicants may be granted anticipatory bail.
5. The State Counsel opposes the bail application on the ground that there are serious allegations of cruelty and harassment upon the complainant against all the applicants and therefore they do not deserve for anticipatory bail.
6. Given the facts and circumstances of the case, particularly taking note of fact that the complainant in her written complaint herself has stated that she stayed with the applicant for a very brief period and further what also cannot be brushed aside is the fact that she has refused to participate in the conciliation proceeding and further the applicants No.1,2 and 4 being government employees and in case of arrest it would be detrimental to their service career, this court is of the view that it is a fit case to grant anticipatory bail to the applicants.
7. Accordingly, given the facts and circumstances of the case and taking into consideration the judgment of Supreme Court in case of Arnesh Kumar Vs. State of Bihar, 2014 (8) SCC 273, and also subsequently the decision of Rajesh Sharma & Ors. Vs. State of UP & Anr. Decided on 27.07.2017 in Special Leave Petition (Crl.) No.2013 of 2017, this court is of the opinion that prima facie a strong case is made out by the applicants for grant of anticipatory bail. Accordingly, the application is

allowed. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:

1. That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
 2. The accused/applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
 3. The accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 4. The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
8. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge

inder